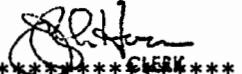


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FILED

OCT 01 2010

  
S. Clerk

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UNITED STATES OF AMERICA, \* CR 09-40105-13

Plaintiff,

vs.

ORDER

JOSE ISABEL RODRIGUEZ,

Defendant.

\*

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Pending before the Court is the Defendant's Motion to Suppress Evidence, Doc. 234. The Court has reviewed the Motion to Suppress, Magistrate Judge Simko's Report and Recommendation of September 9, 2010, Doc. 366, and the transcript of the hearing. No objections to the Report and Recommendations were filed.

The factual statements made in the Report and Recommendation are adopted and will not be repeated. Accordingly,

IT IS ORDERED:

1. That the Magistrate Judge's Report and Recommendation, Doc. 366, is ADOPTED by the Court, and Defendant's Motion to Suppress Evidence, Doc. 234, is DENIED.

Dated this 15<sup>th</sup> day of October, 2010.

BY THE COURT:

  
\_\_\_\_\_  
Lawrence L. Piersol

United States District Judge

ATTEST:

JOSEPH HAAS CLERK

BY: OB Peters

DEPUTY